

JAMES DELANEY

February 22, 2011

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS)	
LIABILITY LITIGATION)	
)	
MARY CHARLENE HAYS,)	CIVIL ACTION NO. MDL 875
individually and as Personal)	CASE NO. 2:09-CV-93728-ER
Representative of the Estate)	
of WILLIAM S. HAYS,)	Transferred from District
)	Court: Southern District
Plaintiff,)	Of Florida
)	No. 09-cv-81881
vs.)	
)	
A.W. CHESTERTON, INC., et al.,)	
)	
Defendants.)	
_____)	

DEPOSITION OF JAMES DELANEY

Taken at the home of James Delaney
1398 North Liberty Greens Drive
Washington, Utah

On Tuesday, February 22, 2011
at 9:07 a.m.

Reported by Jennifer Sullivan, RPR



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APPEARANCES:

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1 James Paul Delaney,
2 having been first duly sworn to testify to the truth, the
3 whole truth, and nothing but the truth was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. RUCKDESCHEL:

7 Q. Good morning, Mr. Delaney. My name is
8 John Ruckdeschel. I represent the family of William
9 Hays in this matter.

10 Would you please state your name and
11 business address for the record.

12 A. Yes. James Paul Delaney, D-e-l-a-n-e-y.
13 My address is 1398 North Liberty Greens Drive,
14 Washington, Utah 84780.

15 Q. Sir, at whose request are you appearing
16 today?

17 A. I represent -- or I've been retained by
18 Warren Pumps. The firm of Pierce, Davis &
19 Perritano.

20 Q. Have you been retained by any other party
21 in this matter?

22 A. No.

23 Q. What materials do you have regarding the
24 Hays case, sir?

25 A. I've reviewed Mr. Hays' military records



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1 A. Yes.

2 Q. And then you went to Bainbridge, Maryland
3 for basic nuclear training?

4 A. Yes.

5 Q. About six months at Bainbridge?

6 A. Yes.

7 Q. And then you went up -- back to your
8 old -- you're from upstate -- you're from Saratoga
9 Springs or thereabouts?

10 A. Yes.

11 Q. So then you went back home basically to
12 West Milton, in the KAPL facility?

13 A. Yes, I did.

14 Q. How long were you at the --

15 MR. RUCKDESCHEL: Madam Reporter, that's
16 K-A-P-L, all capitals.

17 BY MR. RUCKDESCHEL:

18 Q. How long were you at that facility?

19 A. I was at the -- actually, that was Knolls
20 Atomic Power Laboratory. I was there for close to
21 three years.

22 I was initially there my first nine months
23 as a student, under instruction. And then I
24 graduated first in my class and was allowed to stay
25 on as an instructor for an additional, I would



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1 estimate about two years. I think my total time
2 there was close to three.

3 Q. And the Knolls Atomic Power Lab is run by
4 General Electric; is that correct?

5 A. Yes.

6 Q. And the Knolls facility itself is along
7 the river, just outside of Schenectady, correct?

8 A. The Knolls Laboratory is. The site where
9 I worked was actually about maybe 20 miles north of
10 there, in Saratoga Springs or just outside of
11 Saratoga.

12 Q. In between Schenectady and Saratoga
13 Springs, there's a little town called West Milton,
14 and there's a facility there that's sometimes known
15 as the Kesselring facility?

16 A. Yes, sir. Exactly.

17 Q. That's the facility you were assigned to?

18 A. Yes.

19 Q. Now, the Kesselring facility has
20 full-scale, operational nuclear power plants for a
21 variety of Navy vessels; is that correct?

22 A. Yes.

23 Q. And the function of that facility is to
24 train sailors, like yourself, how to work in the
25 nuclear Navy?



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1 A. That was its primary function. The
2 secondary function was as a research facility for
3 the Navy and for General Electric.

4 Q. And they also -- so one of the other
5 things that they did there is they brought you core
6 designs through their (unintelligible)?

7 A. Yes, they did.

8 Q. Did you work on any of the experimental
9 reactor cores?

10 A. Well, the only experimental plant per se
11 was what we called the MARF, M-A-R-F, facility. And
12 I don't recall what the acronym stands for. But it
13 was an experimental prototype that used a submarine
14 engineering plant. But it was a weird configuration
15 for the reactor and control systems.

16 But the rest of the other three units that
17 were there were typical submarine design, hull
18 design, and one surface ship design. And I
19 performed duties on all four of them at one time or
20 another, but primarily, I was there -- I would say
21 95 percent of my time was associated with the
22 surface ship prototype.

23 Q. Understood. Now, after you graduated from
24 the training, you stayed on as one of the
25 instructors?



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1 A. I did.

2 Q. Was that for the Office of Naval Reactors?
3 Did that organization exist at the time?

4 A. Well, no. Actually -- well, yes and no.
5 The Office of Naval Reactors actually owned
6 responsibility for the entire operation up there
7 that General Electric subcontracted for, but we were
8 part of the Navy and under the Naval Sea Systems
9 Command. I was not attached to the naval reactors
10 program at that time.

11 Q. Understood. Now, sir, with respect to the
12 operations of the Kesselring facility, that facility
13 was built by General Electric, correct?

14 MS. PERRITANO: Objection, relevance.

15 THE WITNESS: Yes, that's my
16 understanding.

17 BY MR. RUCKDESCHEL:

18 Q. And while you were there, General Electric
19 had employees on site that were involved in the
20 day-to-day operation and maintenance of the
21 facility, correct?

22 A. Yes.

23 MS. PERRITANO: Objection, relevance.

24 BY MR. RUCKDESCHEL:

25 Q. As one of the students and instructors at



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1 the facility during the 1966-1969 time period, will
2 you describe for me the interaction that you had
3 with General Electric employees regarding the
4 Kesselring facility and its operations?

5 MS. PERRITANO: Objection, relevance.

6 THE WITNESS: We had constant interaction
7 because our -- although we actually operated the
8 reactor plants and ran the machinery to train
9 students, we were under the direct supervision of a
10 civilian shift test manager.

11 And at the beginning of every shift we
12 would have a preshift briefing that that manager or
13 the assistant manager for that shift would present.
14 He would give the briefing and the plan for training
15 for that shift.

16 On occasion, those same civilians would
17 also stand supervisory watches in the reactor room
18 on those plants, so there was a constant interface.

19 We would also be working closely with
20 civilian trades personnel, who during shutdown
21 periods would often be performing maintenance on
22 those ships. We would be working alongside them or
23 at least be interfacing with them, tracking the
24 production.

25 / / /



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1 BY MR. RUCKDESCHEL:

2 Q. All right. And all of those civilians
3 that you've just referred to were General Electric
4 employees, correct?

5 A. I believe they were, yes.

6 Q. All right. Now, you just mentioned that
7 there was maintenance that went on. These reactor
8 cores, just like the reactors and propulsion systems
9 on ships, required maintenance, correct?

10 A. Well, the steam plants more than the
11 reactors, but yes. The entire facilities were
12 treated like seagoing ships, and we went through the
13 same sort of maintenance routines on them with
14 periodic shutdowns for maintenance and repair
15 periods very similar to what you would on a seagoing
16 ship.

17 Q. That was part of the purpose of the
18 facility, correct?

19 A. Yes.

20 Q. Now, in doing that, did any of the
21 individuals from General Electric ever advise you
22 that there was a cancer hazard posed by asbestos
23 insulation products?

24 MS. PERRITANO: Objection, relevance.

25 THE WITNESS: During my first tour of duty



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1 BY MS. PERRITANO:

2 Q. Did Mr. Hays describe the types of pumps
3 that he worked with on the Saratoga?

4 A. Yes.

5 Q. Were any of those pumps Warren pumps?

6 MR. RUCKDESCHEL: Same objection.

7 THE WITNESS: No.

8 BY MS. PERRITANO:

9 Q. And same questions with respect to the
10 Holder.

11 MR. RUCKDESCHEL: Same objection.

12 THE WITNESS: He did not specifically
13 describe any Warren pumps on the Holder, that I
14 could determine from his testimony.

15 BY MS. PERRITANO:

16 Q. Did he describe any Warren pumps on the
17 Bigelow that you could determine from his testimony?

18 MR. RUCKDESCHEL: Same objection.

19 THE WITNESS: No, he did not.

20 BY MS. PERRITANO:

21 Q. You were asked some questions about
22 radiation training that you received, right?

23 A. Yes.

24 Q. Who gave you that training?

25 A. Well, it was a combination of both Navy



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1 instructors and civilian instructors from General
2 Electric, depending on what the lecture was related
3 to. But we received an extensive amount of training
4 in radiation safety.

5 Q. Did you receive training in radiation
6 safety when you first went into the Navy?

7 A. Would you repeat the question, please?

8 Q. Did you receive radiation training when
9 you first went into the Navy?

10 A. Yes.

11 Q. And what ship were you stationed on at
12 that point?

13 A. Well, I've received radiation safety
14 training on every ship, except the Randolph, that I
15 was aboard.

16 Q. When you received radiation training on
17 the ship, who gave you that training?

18 A. Usually it was one of the ship's officers
19 or a senior petty officer, such as a Chief Petty
20 Officer, but usually it was one of the ship's
21 officers.

22 Q. Someone from the Navy?

23 A. Yes.

24 Q. And while you were aboard ship, did you
25 receive other safety training?



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1 A. Yes.

2 Q. And who conducted that safety training?

3 A. That was generally either a ship safety
4 officer or a Senior Petty Officer assigned to the
5 ship safety office.

6 Q. Was that also someone from the Navy?

7 A. Yes.

8 Q. Did you receive instructions on how to do
9 your work?

10 A. Yes.

11 Q. And who instructed you how to do your
12 work?

13 A. They were senior petty officers of the
14 same rating, machinist's mates or boiler
15 technicians.

16 Q. Again, someone from the Navy?

17 A. Yes.

18 Q. And you talked a little bit about
19 respirators. Were respirators made available to you
20 while you were on board ship?

21 A. Face masks, dust masks were routinely
22 available for any kind of work we did, and then full
23 face respirators were available in fire fighting and
24 damage control lockers for fire fighting.

25 Q. Who made that equipment available to you?



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1 A. The Navy. It was part of the ship's
2 equipment.

3 Q. Who instructed you on how to use that
4 equipment?

5 A. Once again, senior petty officers. And, I
6 mean, that training started as far back as boot
7 camp, by Navy instructors, and then continued on the
8 ships by Navy instructors.

9 Q. Thank you, sir. I have no further
10 questions.

11 FURTHER EXAMINATION

12 BY MR. RUCKDESCHEL:

13 Q. Sir, this is Jonathan Ruckdeschel again.
14 I think I have just one last question for you.

15 Based on your experience and your training
16 in the Navy, if the United States Navy had
17 appreciated the extent of the cancer hazards of
18 asbestos prior to 1972, when you were first informed
19 of the cancer hazard related to asbestos, would you
20 have expected the Navy to have trained you about
21 that?

22 MS. PERRITANO: Objection, relevance.

23 THE WITNESS: Yes.

24 MR. RUCKDESCHEL: Thank you, sir. I have
25 nothing further. With that, the deposition is



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